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HARTFORD CASUALTY INSURANCE
COMPANY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SECURIMETRICS, INC.,

Plaintiff,

v.

HARTFORD CASUALTY INSURANCE
COMPANY,

Defendant.

AND RELATED COUNTERCLAIM.

Case No. C 05 00917 CW (JCS)

**STIPULATION RE: WITHDRAWAL
OF HARTFORD CASUALTY
INSURANCE COMPANY'S MOTION
FOR EVIDENTIARY SANCTIONS**

Complaint Filed : March 3, 2005
Trial Date : October 3, 2006

IT IS HEREBY STIPULATED by and between the parties, Plaintiff and
Counterdefendant Securimetrics, Inc., and Defendant and Counterclaimant Hartford
Casualty Insurance Company, through their undersigned counsel, as follows:

1. On or before November 15, 2005, Securimetrics shall provide the following:
 - a. Produce a privilege log as to all documents responsive to Hartford's First Request for Production of Documents;
 - b. Produce all invoices and checks, drafts, wire transfers or similar documents evidencing payment of the attorney's fees and costs that Securimetrics is claiming as damages for breach of the implied covenant of good faith and fair dealing;

- 1 c. Produce all documents relating to any breach of contract damages
- 2 sought by Securimetrix in this action to the extent not already
- 3 produced within Bates Nos. SMH 000001-000937.
- 4 d. Produce documents from the underlying *Securimetrix v. Iridian*
- 5 action, such as pleadings, motions, discovery requests and responses,
- 6 documents produced, deposition transcripts, hearing transcripts, orders
- 7 and communications between parties;
- 8 e. To the extent Securimetrix is claiming consequential damages for
- 9 breach of the implied covenant of good faith and fair dealing other
- 10 than *Brandt* fees, produce documents relating to such damages;
- 11 f. Serve a response to Interrogatory No. 1 of Hartford's First Set of
- 12 Interrogatories, such interrogatory deemed to be modified to delete the
- 13 words "personal injury";
- 14 g. Produce documents responsive to Request No. 7 of Hartford's First
- 15 Request for Production of Documents to the extent not previously
- 16 produced by Securimetrix within Bates Nos. SMH 000001-000937;
- 17 and
- 18 h. Serve supplemental written responses to Request Nos. 5 and 6 of
- 19 Hartford's First Request for Production of Documents.

20 2. There has been no resolution by the Court on any claims of privilege or work
21 product protection or any claims of waiver thereof;

22 3. As to any documents that Securimetrix is required to produce under
23 paragraph 1.d. above which are subject to the Protective Order entered by the United States
24 District Court for the District of New Jersey, in the *Securimetrix v. Iridian* lawsuit,
25 Securimetrix shall apply to the District Court in New Jersey for an order modifying the
26 Protective Order to allow "Confidential Information" and "Restricted Confidential
27 Information" to be disclosed to Hartford's outside counsel in this action, and such experts
28 and consultants that have been or may be retained by Hartford in this action, and shall seek

1 to have the District Court in New Jersey issue such order no later than November 2, 2005.

2 4. The parties agree to modification of the pretrial calendar in this action as
3 follows:

4	
5	February 28, 2006 Non-expert discovery cutoff
6	March 16, 2006 Expert disclosure/reports due
7	April 1, 2006 Rebuttal expert disclosure/reports due
8	April 18, 2006 Last day for expert depositions
9	

10 5. Plaintiff can file early dispositive motion without discovery re coverage and
11 notice for six weeks after filing to allow for any cross-motion.

12 6. Additional cross-motions for summary judgment to be filed on a six week
13 schedule and noticed for hearing ^{on} ~~no earlier than June 16, 2006 (assuming a filing date of~~
~~May 1, 2006).~~ ^{April 4, 2006} Plaintiff to file opening brief by ~~May 1, 2006.~~ Defendant's opposition and
^{April 18, 2006} cross-motion due ~~May 15, 2006.~~ Plaintiff's reply due ~~May 30, 2006.~~ Defendant's reply
^{May 3, 2006.} due ~~May 30, 2005.~~

17 7. A Final Case Management Conference will be held at 10:00 a.m. on the date
18 set for the hearing of dispositive motions ^{May 19, 2006} ~~or on June 16, 2005~~ if no motions are filed.

8. Hartford's Motion for Order Imposing Evidentiary Sanctions, etc. filed October 6, 2005, is withdrawn without prejudice.

IT IS SO STIPULATED.

DATED: October 24, 2005

MICHELMAN & ROBINSON, LLP

By: 

DEAN B. HERMAN
CATHERINE L. RIVARD
JEFFREY A. LEWISTON

Attorneys for Defendant and Counterclaimant
HARTFORD CASUALTY INSURANCE COMPANY

DATED: October ____, 2005

ORRICK, HERRINGTON & SUTCLIFFE

By: _____

ROBERT E. FREITAS
JASON S. ANGELL

Attorneys for Plaintiff and Counterdefendant
SECURIMETRICS INC.

IT IS SO ORDERED.

DATED: October ____, 2005

By: _____

UNITED STATES DISTRICT JUDGE

1 8. Hartford's Motion for Order Imposing Evidentiary Sanctions, etc. filed
2 October 6, 2005, is withdrawn without prejudice.

3
4 IT IS SO STIPULATED.

5 DATED: October ____, 2005 MICHELMAN & ROBINSON, LLP

6
7 By: _____
8 DEAN B. HERMAN
9 CATHERINE L. RIVARD
10 JEFFREY A. LEWISTON
11 Attorneys for Defendant and Counterclaimant
12 HARTFORD CASUALTY INSURANCE COMPANY

13
14 DATED: October 24, 2005 ORRICK, HERRINGTON & SUTCLIFFE

15 By:  _____
16 ROBERT E. FREITAS
17 JASON S. ANGELL
18 Attorneys for Plaintiff and Counterdefendant
19 SECURIMETRICS INC.

20 IT IS SO ORDERED.

21 DATED: October 26, 2005

22 By:  _____
23 UNITED STATES DISTRICT JUDGE
24 Joseph C. Spero MAGISTRATE
25
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